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Diane A. Thompson

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

vs.

**AMERICAN PENSION SERVICES, INC.,
a Utah corporation, and CURTIS L.
DeYOUNG, an individual,**

Defendants.

WRIT OF ENTRY

Case No.: 2:14-CV-00309-RJS-DBP

**Judge Robert J. Shelby
Magistrate Judge Dustin B. Pead**

The Court-Appointed Receiver, Diane A. Thompson of Ballard Spahr LLP (“Receiver”) has made an Emergency *Ex Parte* Motion for Writ of Entry (“Motion”) which seeks a Writ of Entry allowing the Receiver and her team together with the United States Marshals Service or its designee (the “U.S. Marshals”) to forthwith enter the personal property of Defendant Curtis L. DeYoung located in Draper, Utah so that the Receiver may secure control of any Receivership Property, take a detailed inventory of all Receivership Property located at the personal residence,

and determine whether relevant documents, electronically stored information and any other materials relevant to this matter are located at the premises. To the extent that computers are located on the premises, the Receiver intends to use a third-party vendor to secure copies of the hard drives so as to secure the data contained on each computer. The Motion also seeks the right to enter the property where an off-site storage unit containing records and other files of Defendant American Pension Services, Inc., is located once the location of that property is determined. While entry into an off-site storage unit is requested in the motion, the Court clarifies that entry is not permitted under this order. Instead, in the event additional and specific information is discovered regarding the location of an off-site storage unit, if any, the Receiver may bring that information to the Court and at that time resubmit the issue of a writ of entry into the off-site storage unit.

The Court, having fully considered the Receiver's Motion and having found that the Writ of Entry is necessary and appropriate to accomplish the purposes set forth in the Court's Temporary Restraining Order and Order Accelerating Discovery (**Doc. # 8**) and Order Appointing Receiver, Freezing Assets, and Other Relief (**Doc # 9**), and otherwise being fully apprised in the premises **HEREBY ORDERS:**

I.

The Receiver's Emergency *Ex Parte* Motion for a Writ of Entry is granted.

II.

The Receiver, Diane Thompson of Ballard Spahr LLP, and those performing services on her behalf, including but not limited to accountants and Precision Discovery, LLC, together with the U.S. Marshal or its designee, (collectively, the "Receiver") is authorized to enter the personal

residence of Defendant Curtis L. DeYoung located in Draper, Utah, and any personal residence and/or structures located thereon to inspect the properties as permitted by the Order Appointing Receiver, Freezing Assets, and Other Relief. The Receiver may employ the services of a locksmith or other professional service as necessary to enter the personal residence as well as any other structures located on the properties.

IT IS SO ORDERED, this 1st day of May, 2014.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Dustin B. Pead', is written over a horizontal line.

Dustin B. Pead
US Magistrate Judge